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Central Intelligence Agency



Washington D C 20505

OCA 87-5867

30 NOV 1987

Mr. William R. Harris
 The Rand Corporation
 1700 Main Street
 Santa Monica, California 90406-2138

Dear Mr. Harris:

On behalf of Director Webster, I wish to express our appreciation for the information contained in your letter dated 1 October 1987, which we received on 17 November, on the reporting obligations of departments, agencies and entities involved in intelligence activities. In light of your firsthand experience as a former consultant to the Senate Intelligence Committee, the information contained in the letter, along with the enclosures you provided, will be particularly useful to the Agency in clarifying the coverage of the Intelligence Oversight Act of 1980. Accordingly, I will see to it that your correspondence is brought to the attention of relevant CIA components.

Thanks again for providing us with these materials.

Sincerely,

David D. Gries

David D. Gries
 Director of Congressional Affairs

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Remarks To # 13 Please have response prepared for DCI signature.

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Executive Secretary
17 Nov 87
Date

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October 1, 1987

Judge William H. Webster
Director of Central Intelligence
7-E-60 HQ
Central Intelligence Agency
Washington, D.C. 20505

Dear Judge Webster:

You might be interested in the enclosed documents on the reporting obligations of departments, agencies and entities of the United States involved in intelligence activities.

These documents were transmitted to the Senate Select Committee on Intelligence on September 28th, and released by the Senate Select Committee to the House Select Committee to Investigate Covert Arms Transactions with Iran on September 29, 1987.

On September 29, 1987, Mr. John Elliff of the Senate Select Committee Staff has asserted that the redrafting of Section 501(a)(1) of the Intelligence Oversight Act to encompass "all departments, agencies, and other entities of the United States involved in intelligence activities" rather than "entities of the intelligence community" indicates a legislative intent to cover the NSC and the NSC staff. He asserts that the Senate Select Committee's Report 96-730 [Intelligence Oversight Act of 1980] was drafted to clarify the scope of Sec. 501(a)(1) [50 U.S.C. 413(a)(1)].

I have reviewed the Senate's Report No. 96-730, both in the preparation of Enclosure 2 and after reviewing this issue with Mr. Elliff on September 29th. There is nothing in S. Rpt. 96-730 that expresses an unequivocal intent to cover the NSC and its staff as an "entity" within the scope of section 501(a)(1)'s mandatory reporting duties. Nor is there any expression of an intent to cover other "entities" outside the intelligence community. Had I succeeded in convincing the SSCI Staff Director to include the NSC and its staff under what became Section 501, I am sure that both the statute and the Committee's Report would have indicated the more expansive scope. The word "entity" was first used in the 1978 intelligence charter legislation to cover reconnaissance "entities" within the U.S. intelligence community that could not be specified in unclassified legislation. "Entity" never had a scope beyond the entities of the "intelligence community" in the period 1978-1981.

If in the period 1984 to the present the House of Representatives used the word "entity" to intend a government-wide restriction on the expenditure of funds so as to prohibit certain activities, I am simply unfamiliar with the specific legislative history of resulting statutes.

The Congress may decide to enact legislation that extends the scope of the Intelligence Oversight Act of 1980. It may decide

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to prohibit certain activities by the NSC or its staff. The enclosed materials do not pose any objection to an extension of oversight jurisdiction or a prohibition on the conduct of "special activities" by the National Security Council or its staff. These materials seek only to clarify what was and was not covered by legislation and executive orders in previous years.

Very truly yours,



William R. Harris

Enclosures:

Letter, W. R. Harris to Senator Boren and Senator Cohen, 9/25/87.
Letter, W. R. Harris to Rep. Hamilton and Rep. Cheney, 9/25/87.
Encl 1, Ltr, Hamilton and Cheney to W. R. Harris, 9/3/87.
Encl 2, W. R. Harris, Prepared Statement, "Reporting Obligations
and Funding Restrictions Affecting Intelligence Departments,
Agencies and Entities of the United States."
- [Encl. 3, available in records of the Murphy Commission, may be
obtained upon request].

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CASEY MILLER, STAFF DIRECTOR

U.S. HOUSE OF REPRESENTATIVES

SELECT COMMITTEE TO INVESTIGATE
COVERT ARMS TRANSACTIONS WITH IRAN

UNITED STATES CAPITOL
WASHINGTON, DC 20515
(202) 226-7902

September 3, 1987

THOMAS R. SWEETON, MINORITY STAFF DIRECTOR
GEORGE VAN CLEVE, CHIEF MINORITY COUNSEL
RICHARD LEON, DEPUTY CHIEF MINORITY COUNSEL

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Mr. William R. Harris
The Rand Corporation
1700 Main Street
Santa Monica, CA 90406-2138

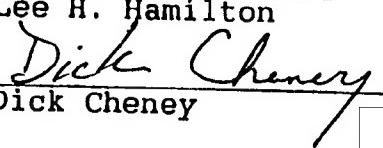
Dear Mr. Harris:

We understand that you participated in the deliberations and forging of events that culminated in the 1980 Intelligence Oversight Act, as a consultant to the Senate Select Committee on Intelligence.

We further understand you played a role in the drafting of President Carter's Executive Order governing the intelligence community. We believe your expertise in these intelligence law matters might be helpful to the Committee in its evaluation of whether any laws were violated by members of the executive branch in the Iran/Contra affair.

In particular, we would be grateful for any observations or recollections that relate to the concept of an "intelligence agency" or "intelligence entity" as traditionally understood by Congress or the Chief Executive. A letter to the Committee addressing these and related issues regarding the history, intent, or scope of the IOA and President Carter's Executive Order would be much appreciated.

Sincerely,


Lee H. Hamilton

Dick Cheney

DC/ts

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